



# **RIGHTS AND RESPONSIBILITIES**

## **CODE OF STUDENT CONDUCT**

Revised: October, 2018

# TROY SCHOOL DISTRICT

## MISSION STATEMENT

The purpose of the Troy School District is to ensure learning for all members of the school community.

# TABLE OF CONTENTS

Introduction .....	1
Chapter 1 - Student Rights and Responsibilities .....	3
Student Behavior .....	3
Curriculum Development .....	4
Academic Expectations, Conduct and Evaluation.....	4
Student Records.....	4
Counseling and Student Services .....	6
Student Assistance Program .....	7
Attendance .....	7
Free Speech and Expression.....	8
Publications .....	9
School-Sponsored Publications .....	10
Non-School Sponsored Student Publications .....	11
Student Government.....	16
Student Dress.....	17
Search and Seizure .....	18
Use of Tobacco.....	19
Technological Resources.....	19
Ombudsman.....	20
Grievances .....	21
Chapter 2 - School Attendance.....	23
Chapter 3 - Rules and Regulations for School Bus Riders.....	28
Responsibilities/Discipline Procedure.....	29
Chapter 4 - Rules and Regulations for Student Drivers .....	31
Discipline Procedure – Student Driving Violations .....	32
Chapter 5 - Technology .....	34
Chapter 6 - Bullying and Harassment .....	37

Chapter 7 - Physical Restraint .....	41
Chapter 8 - Confiscated Materials .....	43
Chapter 9 - Anti-Discrimination/Sexual Harassment Policy....	44
Chapter 10 - Violations of the Code of Student Conduct.....	46
Restorative Discipline Practices .....	47
Disciplining Students with Special Needs.....	49
Level I Violations .....	50
Discipline Procedure - Level I Violations .....	52
Level II Violations.....	52
Discipline Procedure - Level II Violations.....	56
Level III Violations .....	57
Discipline Procedure - Level III Violations .....	60
Statutory Violations.....	60
Chapter 11 - Disciplinary Procedures.....	67
Due Process Rights .....	67
Suspension.....	67
Appeals .....	69
Expulsion.....	71
Appeals.....	72
Chapter 12 - Grievance Procedure .....	74
Grievance Procedure .....	74
Glossary.....	77

# INTRODUCTION

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The Troy School District is dedicated to creating and maintaining a positive learning environment for all students. Teachers, administrators, support staff, parents, and students must assume a responsible role in promoting behavior that enhances academic and social success. An effective behavior support system is a proactive, positive skill building approach for the teaching and learning of successful student behavior. Courteous, respectful, responsible, and law-abiding behavior fosters a positive climate for the learning community.

The Code of Student Conduct sets forth student rights and responsibilities and the consequences for violating school rules. Students are offered a continuum of methods that help them learn and maintain appropriate behavior and discourage violation of rules of student conduct. When determining the appropriate action to be taken as a consequence of student misconduct, school officials may use intervention strategies, restorative practices and/or disciplinary actions they deem appropriate, depending upon the severity and repetition of misconduct; age and grade level of the student; circumstances surrounding the misconduct; impact of the student's misconduct on others in the school community, and any other relevant factors.

The information contained in the Student Rights and Responsibilities/Code of Student Conduct handbook is an official declaration of the policy approved by the Troy Board of Education. The Declaration of Student Rights and Responsibilities applies to all students of the Troy School District and is intended to outline rights of students, as they exist at law, and is not to be construed as granting new rights or supplementing the rights which exist at law.

The Troy School District Code of Student Conduct supports the belief that each person deserves and needs a positive, concerned, accepting educational community that values diversity and provides a comprehensive system of individual supports.

The intent of this handbook is to set forth the policies, procedures, and expectations generated by the Troy School District community to foster a positive learning environment. By reading and discussing this Code and the importance of good behavior with your children, you will assist the district in its efforts to help all students reach their highest potential.

**The Code of Student Conduct is in force:**

1. While students go to or from school.
2. On any school district property at any time.
3. At all school-sponsored or approved events or activities on or off campus.
4. At the bus stop or on a school bus.
5. With respect to any misconduct toward any school employee or damage to his/her property, whether on or off school premises.
6. With respect to any off-campus misconduct of a serious and/or criminal nature, which poses a likelihood of danger to the health (physical or emotional) or welfare of students or district personnel (i.e., selling drugs off-campus), or which reasonably makes the continued presence of the student in the school disruptive to the educational process (i.e., committing vicious crime off-campus).

**The rules and regulations contained in this document do not include all conceivable student misbehavior that might result in administrative disciplinary action taken against a student.**

Additionally, the District reserves the right to impose discipline for off-campus misconduct that creates a material disruption to academic and extracurricular learning environments. Furthermore, the Student Code of Conduct shall apply to the extent the District is legally required to consider off-campus behavior in order to ensure a safe and productive learning environment.

# CHAPTER 1

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## STUDENT RIGHTS AND RESPONSIBILITIES

Within every school, the principal<sup>1</sup> has the primary responsibility and authority for maintaining an orderly educational process. The Troy Board of Education guarantees the freedoms allowed by law, provided these freedoms do not endanger the health, safety and welfare of students and staff.

The Troy Board of Education, through its employees, recognizes and supports students' rights and the corresponding students' responsibilities. Students who properly exercise their responsibility will continue to enjoy those rights guaranteed by law.

### STUDENT BEHAVIOR

#### **Philosophical Basis:**

Proper student behavior is closely identified with future positive citizenship. Schools have long been institutions where good citizenship has not only been taught but is expected of the students.

#### **Rights -- students have the right to:**

Have access to a professional staff and facilities which allow achievement of personal growth through active participation in programs.

#### **Responsibilities -- students have the responsibility to:**

Conduct themselves in such a manner as to promote a positive educational environment.

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<sup>1</sup> \*Wherever the term principal or superintendent is used in handbook, it signifies principal or the principal's designee, and superintendent or the superintendent's designee, respectively.

## CURRICULUM DEVELOPMENT

### **Philosophical Basis:**

At the high school level, student representatives are selected to serve on the Curriculum Council to provide student input on curricular issues.

### **Rights -- students have the right to:**

- Be involved in curriculum development to the extent that age, grade, and level of maturity merit participation.
- Demonstrate ability to participate in a responsible manner.

### **Responsibilities -- students have the responsibility to:**

Comply with all curriculum requirements and seek clarification, if necessary, from informed persons in the school.

## ACADEMIC EXPECTATIONS, CONDUCT AND EVALUATION

### **Philosophical Basis:**

A student's classroom evaluation should reflect the teacher's best assessment of the student's academic achievement.

It is the school's intent to maintain and encourage high standards of personal conduct. These standards include personal honesty, discipline and integrity.

Students are in school to learn and grow as individuals. Assessments of their performance will be based on their individual growth in the classroom. This includes both performance on individual assignments and participation in collaborative class activities. It is assumed that any schoolwork turned in for credit by a student is a result of that student's effort. It is important for students to know that academic misconduct is a serious violation of the Code of Conduct.

## STUDENT RECORDS

### **Philosophical Basis:**

Student records are any written or electronic materials concerning individual students maintained by the school district, except for general

directory information and personal notes of school personnel intended for their use only. In accordance with the Family Education Rights and Privacy Act (FERPA), information obtained by school employees acting as an agent of the school district may be shared with other district employees who have a legitimate educational need in providing educational services to the student. Student records are maintained to provide information which can be used to develop the best possible educational program for each student. **Care is exercised by the school staff to ensure that student records are treated confidentially.** Absent timely parental or student objection, directory information available to the public includes: student's name, address, telephone listing, picture, major field of study, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and other similar information.

If parents (or students 18 years or older) object to publication of any of the above information, they must notify the assistant/deputy superintendent in writing by October 1 of each school year.

Please be advised that the Elementary and Secondary Education Act of 1965 and 2001 National Defense Authorization Act require that school districts provide military recruiters, upon request, with access to names, addresses and telephone listings of secondary school students unless the parent/guardian provides written notice that they do not want their student's information disclosed without their prior written consent. Additionally, the Revised School Code, MCL 380.1139, requires that school officials of a public high school provide the same access to pupil directory information to the armed forces of the United States and to service academies of the armed forces of the United States as is provided to other entities offering educational or employment opportunities. If you do not want the District to disclose this information without your prior written consent, you must notify the District in writing by October 1 of each school year.

**Rights -- students (parents of minors) have the right to:**

Expect the district to comply with the requirements of Family Education Rights and Privacy Act (FERPA) and the confidentiality requirements of the Individuals with Disabilities Education Act (IDEA) in connection with the maintenance of records. All students

have the right to see their permanent records, upon request and in the presence of a guidance counselor.

**Responsibilities -- students (parents of minors) have the responsibility to:**

- Participate fully in their education.
- Maintain the high standard of excellence of the Troy School District.
- Uphold their academic integrity in scholastic settings.
- Notify the district in writing of any person or entity that the student will not authorize to receive disclosure of records.

## **COUNSELING AND STUDENT SERVICES**

**Philosophical Basis:**

Personal needs or concerns can seriously threaten and interfere with the educational development of students. Parents and students have the responsibility to provide the school with information that may be useful in making sound educational decisions that will support student success. Schools have the responsibility to make available such support services (counseling, school social work, psychological evaluation) as it deems necessary and appropriate to students, and to inform students of these services and the services of outside agencies.

**Rights -- students have the right to:**

Access those counseling services which are made available by the schools.

**Responsibilities -- students have the responsibility to:**

Inquire about available counseling services and seek counseling services which they deem appropriate.

## **STUDENT ASSISTANCE PROGRAM**

### **Philosophical Basis:**

Any student can become at risk for academic and personal difficulties (e.g. living with a chemically dependent adult). Parents, students, and staff have the responsibility to provide the school with information that may be useful in assisting students to understand and cope with their situations. The school has the responsibility to provide educational and support programs, as deemed necessary under applicable circumstances, to students and to inform students of these programs and the services of outside agencies.

### **Rights -- students have the right to:**

Access educational and support programs which are made available by the school.

### **Responsibility -- students have the responsibility to:**

Inquire as to available educational and support programs and to participate in those programs.

## **ATTENDANCE**

### **Philosophical Basis:**

There is a direct correlation between academic achievement and regular, prompt attendance. Frequent absences, excused or unexcused, or tardiness in a class may seriously affect a student's progress and credit for that class. School administrators have the responsibility under state law to enforce compulsory school attendance laws and to enforce the attendance policy of the Troy Board of Education. Students enrolled in the Troy School District have the responsibility to attend school as required under state law and to adhere to the attendance policy of the Troy Board of Education.

Parents are expected to notify the school the day of an absence regarding illness or personal and family problems that may have an effect on attendance. Every effort should be made to schedule outside appointments after school hours. Family vacations should be planned

during holidays outlined on the school calendar. Parents should discuss the importance of good attendance with their student to avoid loss of credit due to violations of the attendance policy.

**Rights -- students have the right to:**

- Receive school policies that clearly define absence, unexcused absence, and tardiness.
- Appeal a decision concerning an absence (excused or unexcused.)
- Leave school property after they have received authorized permission.

**Responsibilities -- students have the responsibility to:**

- Attend all classes daily and on time.
- Have parents verbally notify the school of the student's absence, in accordance with the attendance policy.
- Remain on school premises in accordance with building policy, unless excused.
- Confirm they have possessed authorization to leave the educational setting/campus.

**Please be advised that persistent absences from school may result in a referral to Probate Court and/or Michigan Department of Health and Human Services as a violation of the truancy law and/or educational neglect.**

**FREE SPEECH AND EXPRESSION**

**Philosophical Basis:**

One important role of the school is to prepare students for responsible self-expression in our society. Self-expression, as permitted under the First and Fourteenth Amendments to the U.S. Constitution, must not interrupt the orderly educational process of the school or be in violation of the Code of Student Conduct.

**Rights -- students have the right to:**

- Be excused from any activity which violates their religious beliefs.
- With approval of the principal, assemble peaceably on school property for school-related activities.
- With approval of the principal, have access to a bulletin board or its equivalent for the purpose of making announcements and statements to the student body.
- Responsibly voice and express their views on a wide range of topics.

**Responsibilities -- students have the responsibility to:**

- Request in writing to be excused from any activity which conflicts with their religious beliefs.
- Seek the approval of the principal and adhere to the established regulations as to the manner, time and place of the requested assembly.
- Seek the approval of the principal and adhere to the established regulations for using the bulletin board or its equivalent including the dissemination of written materials.
- Voice and express their views in a respectful and responsible manner on a wide range of topics reasonably related to the district's curriculum.
- Respect the differing viewpoints of other individuals.

**PUBLICATIONS**

**Philosophical Basis:**

One of the important roles of the school is to provide effective ways in which students learn to express themselves in a responsible manner on a wide range of subjects. Official school publications, such as school newspapers, should reflect in a responsible manner the policy and judgment of the student editors and should include viewpoints representative of the entire school community.

**Rights -- students have the right to:**

- Be free from censorship of their publications within the guidelines previously agreed upon by students and principals.
- Review and/or recall literature which they consider primarily commercial in nature, which are offensive, or materials which could disrupt the orderly operation of the school.

**Responsibilities -- students have the responsibility to:**

- Post, publish, or distribute materials in a responsible manner so as not to disrupt the school program and post these materials only on those bulletin boards or wall areas designated for use by students and student organizations.
- Refrain from publishing materials not within the guidelines previously agreed upon by students and principals
- Observe acceptable standards of good taste and responsible journalism.

**SCHOOL-SPONSORED PUBLICATIONS**

Please be advised that the District will exercise editorial control over the content and style of school-sponsored or classroom-produced publications, theatrical productions and other expressive activities reasonably related to legitimate educational concerns.

School-sponsored publications include those publications and newspapers created and developed as part of the educational curriculum or part of a classroom activity. All publications produced as part of an academic class must have approval of the classroom teacher or sponsor prior to publication and distribution. Additionally, each issue must be reviewed by the Principal prior to publication.

While school sponsored publication will not restrict free expression or diverse viewpoints within the rules of responsible journalism, the administration will have the final decision regarding the appropriateness of any publication.

## NON-SCHOOL SPONSORED STUDENT PUBLICATIONS

Students of Troy School District may distribute non-school sponsored student publications or unofficial publications on school property during school hours in areas designated by the building principal unless the publications contain expression which:

1. Is libelous;
2. Is obscene for minors;
3. Constitutes fighting words, the very expression of which injures or harasses other people or tends to incite immediate breach of the peace (i.e., threats of violence, defamation of a person's race, religion, ethnic origin, or other distinguishing characteristics that are deeply offensive and are likely to cause an imminent response by the hearer);
4. Advertises drug paraphernalia, controlled substances, or any product or service not permitted to minors by law;
5. Is pervasively indecent or vulgar;
6. Presents a reasonably foreseeable risk that, either because of the content or manner of distribution, the publications will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities or will cause the commission of unlawful acts for the violation of lawful school regulations.

### *Time, Place and Manner of Distribution*

The distribution of written material shall be limited to a reasonable time, place and manner. Distribution which substantially interferes with the normal flow of traffic within the school corridors and/or entryways; which prevents or prohibits a student from arriving at class at the scheduled time; which is coercive of any other person's right to accept or reject any publication; or which causes substantial and material interference with "normal school activities" shall not be permitted.

### *Procedures*

A student wishing to distribute or display non-school sponsored written materials must first present for approval a copy of the materials to one of the following: Principal, Assistant Principal or the Principal's secretary. These materials must be submitted directly to one of the above persons; leaving a copy of the materials on an administrator's desk does not constitute submission for approval. In addition, the student making the request will complete and sign a request providing the following information:

1. Name, student ID number, and telephone number of the person submitting the request;
2. Date(s) and time(s) of day of intended display or distribution;
3. Location where material will be displayed or distributed; and
4. The grade(s) of students to whom the display or distribution is intended.

A copy of the materials to be distributed or displayed, together with the completed request form, must be provided to one of the persons listed above one school day (24 hours) in advance of the desired distribution time.

At the time of submission, the student has the right, and is encouraged, to meet personally with the Principal so that the student and Principal may freely exchange views on why the distribution of the student publication may or may not be appropriate. The student or his/her representative may support his/her case for distribution with relevant witnesses and/or materials.

In determining whether a student publication is disruptive, the following factors will be considered by school personnel: past experience with similar material; past experience in dealing with and supervising students; current events influencing student attitudes and behavior; any instances of actual or threatened physical disruption prior to or contemporaneously with the submission of the publication in question.

The Principal or his/her representative shall render his/her decision to approve or disapprove the distribution of the publication in question and notify the student of the decision within one school day of submission. If approval to distribute is not granted, the Principal or his/her representative shall state the reason to the student in writing.

If the person submitting the request does not receive a response within twenty-four (24) hours of submission, the person shall contact the office to which he/she submitted the materials to verify that the lack of response was not due to an inability to locate the student. If the student has made this verification and there is no response to the request, the material may be distributed in accordance with time, place and manner provision set forth above.

If the student is dissatisfied with the decision of the Principal or representative, the student may appeal this decision. The appeal from the Principal's decision may be taken by notifying the Superintendent, either orally or in writing, within two (2) school days of the Principal's decision.

The Superintendent shall render a decision to approve or disapprove the distribution of the publication in question and notify the student of his/her reasons in writing within three (3) school days of the student's appeal. If the student has not received a response from the Superintendent within three (3) days, he/she shall contact the Superintendent's Office to verify that the lack of response was not due to an inability to locate the student. If the student has made this verification and there is no response by the Superintendent, the material may be distributed in accordance with the time, place and manner provisions set forth above in this Policy. The decision of the Superintendent is final.

## **Definitions of Terms**

“School day” means any day during the regular school year or summer session on which regularly scheduled classroom instruction takes place and excludes Saturdays, Sundays and official school holidays.

“Publication” means any book, magazine, pamphlet, newspaper, yearbook, flier, petition, picture, photograph, drawing, button, badge, insignia or any other written or printed matter. Publication also includes visual representations of an individual.

“Distribution” means circulation or dissemination of the student publication to students at the time and place of normal school activity, or immediately prior to or subsequent to normal school activity, by means of handing out free copies, selling or offering copies for sale, accepting donations for copies of the publication or displaying the material in areas of the school building or property which are generally frequented by students. In dealing with material which is “obscene” or “libelous,” the term “distribution” refers to dissemination of one or more copies; in dealing with all other types of material, the term “distribution” refers to a substantial circulation or dissemination of the student publication so as to make the student publication generally available to the students of the school.

“Normal school activity” means organized educational activity of students sponsored by the school and under the direct supervision of a member of the school staff. Normal school activities include by way of example and not by way of limitation the following: classroom work; library activities; physical education classes; official assemblies and other similar gatherings; school athletic contests; band concerts; school plays; scheduled-in-school lunch periods.

“Minor” means any person under the age of 18 years.

“Obscene to minor” means that an average person, applying contemporary community standards would find that the publication, taken as a whole, appeals to the prurient interest of minors of the age to whom distribution is requested; that the publication depicts or describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom such distribution is requested, such as conduct describing intimate sexual acts; and that the work taken as a whole lacks serious literary, artistic, educational, political or scientific value for minors.

“Libel” is the false and unprivileged (unprotected by immunity) statement, publication in writing, or printing of pictures, effigies or other fixed representations to the eye which exposes a person to public hatred, contempt, or ridicule, which causes him/her to be shunned or avoided, has a tendency to injure him/her in his occupation, harm the individual’s reputation or lower him/her in the esteem of the community. When the publication concerns “public officials,” (i.e., those who hold government office) or “public figures,” (i.e., those who by reason of the notoriety of their achievements, employment, or by reason of the vigor and success with which they seek the public’s attention) the defamatory falsehood must be made with “actual malice” (i.e., with knowledge that it was false or with reckless disregard of whether or not it was false) in order to be libelous.

“Material and substantial disruption” of a normal school activity means:

- Where the normal school activity is an educational program of the School District for which student attendance is compulsory, any disruption which interferes with or impedes the implementation of that program.
- Where the normal school activity is voluntary in nature (including for example and not for limitation, school athletic events, plays, concerts, lunch periods), “substantial disruption” means student rioting, unlawful seizures of property, widespread shouting or boisterous conduct inappropriate to the event, participation in a school boycott, demonstration, sit-in, stand-in, walk-out, or other related forms of activity. Material that simulates heated discussion or debate does not constitute the type of disruption prohibited herein.
- In order for a student publication to be considered disruptive, there must exist specific articulable facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial and material disruption to normal school activity or school discipline would occur if the material were distributed.

## **Disciplinary Action**

Distribution of the student publication during the period of initial review by the Principal or his representative; after a negative decision by the Principal or his representative, or during the period of appeal, shall be sufficient grounds for disciplinary action of the student by the Principal in accordance with the procedures set forth in this handbook.

## **Constitutional Guarantees**

In exercising the right of prior review, school personnel shall be guided by the First Amendment to the Constitution of the United States. It is the responsibility of the school and its staff, while establishing the kind of environment which is necessary for an orderly program of classroom learning, to ensure that the right of students to express themselves freely shall not be infringed upon at the same time. Distribution of student publications shall not be prohibited solely because they contain the expression of unpopular, critical, controversial, tasteless or offensive ideas.

## **STUDENT GOVERNMENT**

### **Philosophical Basis:**

The student government is a means of providing students with an opportunity to express themselves and to act on school matters through the democratic process. All members of the school community share the responsibility for helping the student government. At the appropriate level, students are given the opportunity to participate in those decisions that affect the learning climate of the school. So that the student government can function as an informed organization, Troy Board of Education policies and individual school policies will be made available upon request.

### **Rights -- students have the right to:**

- Form and operate a student government.
- Seek and hold office in student government organizations.

- Attend regularly scheduled meetings of this organization if they are duly elected members.
- Be informed of all decisions made in cooperation with school administration and other involved parties by the secondary school student government.

**Responsibilities -- students have the responsibility to:**

- Represent, as members of the student government, the needs and concerns expressed by the student body.
- Abide by the guidelines established by the National and State Student Government Associations and the Troy School District.
- Conduct election campaigns in a positive, mature manner with respect for other candidates.
- Inform the sponsor of meetings, and to make up missed assignments due to attendance at these meetings.
- As elected office holders, serve as positive role models to the student body.

## STUDENT DRESS

**Philosophical Basis:**

The dress of students shall contribute to the health and safety of the individual and shall not disrupt the orderly educational process.

**Rights -- students have the right to:**

- Dress in a manner which reflects their individualism, family background, and unique personality.

**Responsibilities -- students have the responsibility to:**

- Dress in a manner which does not disrupt the educational process nor endanger the health and safety of themselves or others.
- Wear shoes and shirts at all times. Hats and headwear may not be worn during normal school hours, except for religious reasons.

It is recognized that individual schools may modify the dress code guidelines within their building. Specific guidelines for dress codes are set forth in building student handbooks and promoted on school websites (see Chapter 10 for additional information).

## **SEARCH AND SEIZURE**

### **Philosophical Basis:**

Students shall be free from unreasonable search and seizure of property as guaranteed by the Fourth Amendment of the U.S. Constitution. This individual right is balanced by the school's responsibility to protect the health, safety, and welfare of others. School authorities have the right to search persons or property when they have a reasonable suspicion that a student is in possession of materials or objects that are in violation of the law, student code of conduct or Board policies. Student lockers are the property of the school. Lockers are on loan to the students to use, with the understanding that school officials may inspect them at any time.

### **Rights -- students have the right to:**

Privacy in their person and possessions unless the principal has reasonable suspicion to believe that inappropriate, illegal, and/or dangerous materials or materials in violation of the student code of conduct are being carried and/or concealed by the student.

### **Responsibilities -- students have the responsibility to:**

Not carry, conceal, or bring onto school property any materials which are inappropriate, illegal, or that are in violation of the student handbook or Board policies or that may disrupt the educational process.

## USE OF TOBACCO/ELECTRONIC VAPOR INHALATION DEVICES

### **Philosophical Basis:**

Smoking and vapor inhalation devices are injurious to health and, depending on the nature of the device or its content, illegal and not appropriate for the school environment.

### **Rights -- students have the right to:**

Be free from ambient smoke/vapor on school premises in accordance with state law.

### **Responsibilities -- students have the responsibility to:**

Refrain from possessing or using tobacco products or e-cigarettes (see Chapter 10) on school premises or at school related functions or activities whether on or off campus. This includes tobacco related products and vapor oil used in consumption of vapor from inhalation devices.

## TECHNOLOGICAL RESOURCES

### **Philosophical Basis:**

The Troy School District provides a wide variety of technological Resources for students and staff to utilize in the instructional process. These resources include, but are not limited to: desktop, laptop and handheld computers, software, printers, Internet and District Intranet access, video/voice/data networks, audio and video equipment, and copy machines. The district's goal is to promote educational excellence through the facilitation of responsible resource sharing, innovation, and communication by providing these resources in the best possible working order.

### **Rights -- students have the right to:**

Access to technology resources as part of the required curriculum. However, ongoing use of school-issued technology is a privilege with no entitlement or guarantee, and such access may be revoked at any time at the discretion of the Superintendent or designee.

Students may access District technology appropriate for their grade level or course curriculum provided they agree to the District's current Technology Acceptable Use Policy.

**Responsibilities – students have a responsibility to use these resources appropriately by:**

1. Using school resources only for educational purposes during class time.
2. Respecting copyright laws.
3. Not removing, modifying, or destroying technology resources.
4. Maintaining personal security by protecting passwords.
5. Not attempting to gain unauthorized access to systems or trespassing in other users' data files, or directories.
6. Complying with all the terms and conditions of the District's Acceptable Use Policy.

**OMBUDSMAN**

**Philosophical Basis:**

In order to assist high school students in asserting their rights as set forth in this handbook, there will be the position of ombudsman at the high school level.

When a high school student feels unfairly treated or believes s/he has not been afforded due process regarding a non-disciplinary matter, a Student Grievance Form may be filed (see Chapter 9). However, students have the responsibility to discuss and try to resolve their complaints with the person(s) involved before filing a formal grievance. The ombudsman may be called upon for advice, and if the student desires, to help mediate at a conference between the parties. It is the student's responsibility to initiate the involvement of the ombudsman. If it becomes necessary to file a formal grievance, the ombudsman shall be available to help the student in following the proper procedure.

A committee of three students selected by the student government and three faculty members selected by the principal shall elect the

ombudsman annually. In the event of a tie vote, the student government sponsor shall be given the responsibility of casting a tie-breaking vote.

The ombudsman must serve voluntarily and without compensation and should be a teacher, counselor or other employee within the school building. If no building employee is willing to serve as ombudsman, a citizen of the community or a school employee from another building may fill the position. An ombudsman may not be an attorney.

**Rights -- students have the right to:**

1. Be provided, at the student's request, with the counsel of an ombudsman to help discuss and resolve student grievances.
2. If desired, have the ombudsman present at all hearings to ensure that the student's rights are upheld, and proper procedures are followed.

**Responsibilities -- students have the responsibility to:**

1. State the problem factually and honestly to the ombudsman in order that a proper course of action may be followed.
2. Follow the proper procedures prior to the hearings and be prompt and courteous during the hearings.

**GRIEVANCES**

**Philosophical Basis:**

Schools are responsible for providing a formal means for students to express and resolve their grievances. A grievance is a charge by a student that there has been a violation, misinterpretation or inequitable application of an established school policy or regulation, or if the student feels he/she has been treated unfairly or been denied due process in non-disciplinary matters. In disciplinary matters, the appeal procedure (page 54) is used.

When a student feels that he/she has been aggrieved, as described in the preceding paragraph, a grievance may be filed.

**Rights -- students have the right to:**

Be provided with a procedure for expressing and resolving their grievances that specifies lines of communication, timeliness, and a method of appeal.

**Responsibilities -- students have the responsibility to:**

- Discuss and attempt to resolve their complaints with the person(s) involved before using the grievance procedure.
- State the grievance clearly, follow the established procedure for resolving the grievance, and abide by the resulting decision.
- Express concerns about the grievance procedure to student government representatives.

# CHAPTER 2

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## SCHOOL ATTENDANCE

All students enrolled in the Troy School District shall attend those classes and activities in which they are enrolled.

Further, the Revised School Code (380.1561) states that "...every parent, guardian or other person in this state having control and charge of a child from the **age of six to the child's sixteenth birthday** shall send that child to the public schools during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which the child is enrolled."

A student may be excused for personal illness or a death in the family. However, other excuses are sometimes legitimate. If the student knows that he/she will be absent for any extended period of time, he/she should contact the office at least one week in advance. If at all possible, medical and dental appointments should be scheduled outside the school hours.

When a student is absent from school, his/her parents must follow the individual building attendance policy and procedure. At the high school level, parents must call the attendance office within twenty-four hours of the day of the absence.

**Any absence will affect the learning experience and may affect a student's academic performance. It is the student's responsibility to ask teachers for makeup assignments.**

A student with an excused absence has the right to complete the work missed and receive credit for it. Class discussions and activities cannot be duplicated. Makeup work after an excused absence is to be done promptly. Students will receive one day for each day absent to make up work. This includes tests and quizzes. It is the responsibility of the

student to obtain all necessary makeup work. Assignments given to the student prior to his/her absence will be due upon the student's return. At the end of the marking period, an extension of makeup time may be granted by the principal, if sufficient reason is shown.

**When entering or leaving the building at times other than the beginning or end of the school day, a student must "sign in" or "sign out" in the designated office.** There the student will receive an admittance slip to get into his/her classroom if he/she arrived late or the student will be given permission to leave the building if he/she is signing out.

School-sponsored activities are not considered absences. This includes field trips, athletic trips, counselor appointments, student government meetings, etc. Work assigned prior to a student attending a school-sponsored activity is due the day the student returns to school. While absent on a school-sponsored activity, students shall have the number of days missed following their return to complete missed work. Troy School District staff and students are encouraged to work together collaboratively to ensure that missed work is completed in a reasonable timeframe that does not place an undue burden on a student related to a school-sponsored absence from class/school. Teachers are encouraged to work productively with students and parents to ensure that student work is completed without causing unnecessary stress or harm to the student.

If a student moves to another school out of the school district, he/she must check out through the office on or before the last day of attendance.

## **Philosophy**

The intent of the District's position on student attendance is to make aware that regular class attendance is important. Students are responsible for attending class and being in class on time. Parents and school personnel must encourage regular classroom attendance. It is through regular class attendance and a serious commitment to an

academic program that students can achieve optimum educational benefits.

Parents will be informed regularly of poor attendance patterns. The school will provide counseling services when needed in order to direct students with special needs into instructional programs which will address these students' needs and interests. Please be advised that failure to attend school may result in a referral for truancy and/or a referral to the Department of Health and Human Services for neglect.

## **Procedures – Elementary & Middle School**

Troy elementary and middle schools shall develop procedures for addressing student truancy in the form of excessive unexcused absences or tardies. Any attendance policies involving potential disciplinary consequences for a student (restorative practices, detentions, suspensions, etc.) shall be communicated to students and parents at the beginning of each year.

**Tardiness (Middle School)** – A student will be considered tardy if not in his/her seat when the bell rings indicating the beginning of class. Chronic tardiness may result in a parent conference, detention or suspension. The tardy policy is as follows: The student will be notified upon their 4<sup>th</sup> tardy. Upon the 5<sup>th</sup> and 6<sup>th</sup> tardies, parents will be notified, and the student will serve a detention before or after school. If a student reaches 7 or subsequent tardies, administrative discretion will be used to determine progressive discipline up to and including suspension from school. Middle school administrators may consider mitigating factors to a student's tardiness that warrant deviation from these procedures.

## **Procedures – High School**

Consistent attendance procedures shall be in place for Troy's high school students due to the importance of attendance in credit-bearing courses required for graduation. Students are expected to attend class regularly

in order to successfully meet the graduation requirements of the State of Michigan Merit Curriculum and the Troy School District.

**Tardiness** – Students are encouraged to be in class and on time regularly. Students who arrive within **five** minutes after the start of class will be marked tardy to the class. Students who arrive later than **five** minutes will receive an absence. Students are afforded 3 tardies per class per secondary marking period without penalty. Subsequent tardies in any specific class will prompt the assignment of a detention. Ongoing tardiness in the same class shall cause the issuance of additional detentions or a suspension for the student.

**Absences** – Students are encouraged to attend class on a regular basis. Students are afforded 9 absences per class per semester without penalty including both excused and unexcused absences. Absences exempted from this policy might be for reasons including mandatory court appearance, chronic/serious illness, religious holiday, school suspension, family bereavement, school-sponsored field trip/activity, or other reasons approved by a building administrator. Students should work with their assigned building administrator to ensure that attendance records are accurate. The student maintains the responsibility for communicating with the school about the nature of any absences and providing all necessary documentation for absences of a specialized nature. Furthermore, any documentation substantiating special absences from school should be provided to a school administrator in a timely fashion following the absences.

For an absence to be excused, a parent must call the attendance office to notify the school of the absence within 24 hours of the absence. Family trips or long-term absences must be prearranged one week in advance of the first absence in the term through the submission of an Extended Absence form available in each school's main office. This will allow students to receive assignments in advance of the absence when possible and notify the school ahead of any extended time away from school.

Students will be automatically notified of their class attendance status at the 5, 7 and 9 absence point in any semester. Letters will be issued by the

high school that include the course name, total number of absences, and the absence designation as excused or unexcused for each absence.

Students accumulating 10 or more absences per class per semester will not receive credit for enrollment in the course. At the conclusion of the semester the student will receive an 'H' mark (no credit-no grade) in the class if passing at course end. If not passing, the student will receive a failing mark. In both cases, students will need to retake the course and satisfy academic requirements to earn credit for the course. The student shall remain in the class for the remainder of the semester. During the remainder of the class, if a student continues to have attendance problems or proves disruptive, the student will be disciplined in accordance with the procedures outlined in Chapter 10 of the Code of Conduct.

Loss of credit due to attendance or other consequences related to a student's attendance challenges may be appealed to the building principal. The decision of the principal is final in all attendance matters.

# CHAPTER 3

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## RULES AND REGULATIONS FOR SCHOOL BUS RIDERS

Students and parents have the responsibility to know and respect the school bus rules as described below. Repeated violations will result in the suspension of school bus privileges. The Student Code of Conduct is in effect while a student is riding the bus.

### **Rules and Regulations:**

1. The behavior of students while in transit to or from school, at the bus stop, or at any co-curricular school-sponsored activity will be consistent with the discipline procedures of the regular school day.
2. Remain behind the curb while waiting for the bus.
3. Board and depart from the bus at assigned stops.
4. Persons boarding the bus first shall move to the back.
5. The aisles shall be kept clear of books, band instruments, etc.
6. All parts of the body shall be kept inside the bus.
7. Remain seated while the bus is in motion.
8. Unnecessarily loud talking, profanity, and inappropriate language are prohibited.
9. Riders shall not tamper with bus equipment.
10. Students shall not eat while on the bus.
11. No smoking, lighting matches, use of e-cigarettes etc., will be permitted on or near the bus.
12. Animals and/or pets are not allowed on buses.
13. Spraying or using aerosol products such as perfume, deodorant, or hairspray is prohibited.

14. Any conduct which diverts a driver's attention from his/her primary job and thus endangers the safety of other riders is prohibited.
15. A student not assigned to a particular bus may not board or be transported without prior administrative approval.

### **RESPONSIBILITIES:**

1. Be at the bus stop five minutes before pick-up time in the morning and be on the bus at the designated departure time from school.
2. Show respect for private property near the bus stop.
3. Treat bus equipment appropriately at all times. Students who damage bus equipment will be responsible for replacement and/or restoration/repair.
4. Take pride in the appearance of your bus. Help keep it clean.
5. Respond positively to reasonable requests made by the bus driver.
6. Know these safety rules and student responsibilities.

### **DISCIPLINE PROCEDURE:**

#### **First administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Suspension of bus privileges up to ten school days

#### **Second administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Suspension of bus privileges up to ten school days

#### **Subsequent administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Suspension of bus privileges

**In all cases of suspension of bus privileges, the parents will be notified by telephone and a written notification of the suspension will be sent within two school days.**

**During the suspension of bus privileges, it shall be the parents' responsibility to provide the student's transportation to and from school.**

# CHAPTER 4

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## RULES AND REGULATIONS FOR STUDENT DRIVERS

It is considered a privilege for students to drive to and from school. Students and parents have the responsibility to know and respect the rules affecting student drivers. Parking regulations are strictly enforced. Suspension of driving privileges, issuing of parking tickets through the Troy Police Department, towing of vehicles and/or suspension of driving privileges may occur when violations of these regulations occur. The Student Code of Conduct is in effect during school-related activities that involve student drivers (field trips, commuting during school hours, etc.)

Annually, student drivers must complete vehicle registration cards and submit a fee for each vehicle driven to school. Students must possess a valid driver's license to purchase a parking tag. Proof of vehicle registration and insurance is required for all vehicles parked on campus.

### **Rules and Regulations:**

1. Students must register any and all vehicles driven to school. A per vehicle parking fee will be assessed, and a parking identification tag will be issued. Parking identification tags are non-transferable. There will be a fee for replacement of a tag for any reason.
2. All vehicles must be parked on the school grounds in the assigned lot and all cars must display the proper identification. Misuse of parking identification tags may result in loss of driving privileges or other disciplinary consequences.
3. All students must be licensed and covered by insurance. The Troy School District is not responsible for either the vehicle or its contents.

4. Students are not allowed to loiter or revisit in or around the vehicle once it has been parked.
5. Speed on school property may not be in excess of fifteen miles per hour. Reckless driving of any nature, i.e., squealing tires, donut, jumping curbs, etc., is not allowed.
6. Vehicles are not be used as lockers for books or clothing. Students may not be in the parking lot during the school day without written permission from a school administrator or designee.
7. Vehicles must be parked in accordance with pavement markings.
8. Students may not leave the school grounds at lunch in their vehicle. Students leaving school legally, i.e., OTC, Co-op, may not take other students with them.
9. Student vehicles may be subject to search if there is reasonable suspicion to believe drugs, alcohol, stolen property or other property prohibited by law or this handbook are present in that vehicle.
10. Bus transportation is provided for all students who have classes at both high schools. Students are permitted to drive between Troy High School and Athens High School for classes with special permission from building administration.
11. Excessive tardiness to 1st hour may result in loss of driving privileges.
12. There will be no refund of parking fees during loss of driving privileges.
13. Students must comply with traffic flow rules for entry and exit to the school campus. Vehicles must be parked in designated student lots unless expressly permitted by a building administrator.

### **DISCIPLINE PROCEDURE:**

**First administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Suspension of driving privileges up to ten days

4. Behavioral contract
5. Police notification or referral to a professional agency as appropriate.
6. Restitution/restoration as applicable.

**Subsequent administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Suspension of driving privileges up to one year
4. Behavioral contract
5. Police notification or referral to a professional agency as appropriate.
6. Restitution/restoration as applicable.

# CHAPTER 5

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## TECHNOLOGY

### PURPOSE

The purpose of this policy is to set forth expectations for appropriate use of existing and emerging technologies which students may possess, including but not limited to cell phones, digital picture video cameras and/or camera phones, personal digital assistant (PDAs), iPods, MP3s, and other personal electronic devices capable of transmitting data or images. It is the responsibility of every student to know this policy and to conduct his or her activities accordingly.

Michigan law (380.1303) allows local school boards to determine the policy on the use and possession of cellular phones (cell phones) and other electronic signaling devices such as pagers on school campuses.

The TSD cell phone policy is provided to balance considerations of student safety and well-being with the need to maintain a learning environment free from distractions.

Students who possess and/or use such devices at school or school-sponsored events shall demonstrate the greatest respect for the educational environment and the rights and privacy of all individuals within the school community.

The district shall not be liable for theft, loss, damage, or misuse of any electronic devices brought to school by a student.

In order to use TSD provided technology equipment and devices and access the TSD wired or wireless networks, students must comply with the terms of the [District's Technology Acceptable Use Policy](#) available

via the TSD home website page. Students violating the terms of that agreement may face disciplinary action including the loss of technology privileges. Unapproved or prohibited use of district computers or other technology includes:

- a) Disregarding the privacy of other users, such as using or attempting to use or learn other users' passwords;
- b) Unauthorized copying, changing, reading, accessing or attempting to access or using other users' files;
- c) Gaining or attempting to gain unauthorized access to district equipment, systems, programs, files or other users' accounts;
- d) Introducing or attempting to introduce a virus or malware into any district equipment, systems, programs or files;
- e) Using or attempting to use district equipment, systems programs or files to disturb or harass others; and
- f) Damaging or attempting to damage any district equipment, systems, programs or files.
- g) Other behavior designed to obviate District technology controls, limit District technology functionality or damage District technology systems.

### **Cell Phones/Electronic Communication, Listening Devices:**

- a) Visible or audible detection of any electronic, communication listening device is prohibited during the school day by Troy School District policy. Any exception must be approved by the faculty or school administration. If confiscated, devices must be picked up in the office. Disciplinary measures are as follows:  
1st offense: Confiscation/student pick-up, Assistant Principal's Office  
2nd offense: Confiscation/administrative discretion
- b) The use of any and all devices must be for school purposes. Permission to use such items at TSD must be given by the faculty or school administration and will be approved on a class by class basis for academic purposes. Unauthorized use (actual use of said device) for voice, text, picture, numerical message, etc.

outside pre-approved periods, will result in immediate out of school suspensions and parent pick up of the device.

- c) Photographing, disseminating, transferring or sharing of offensive, obscene, pornographic or otherwise illegal images may constitute a crime and will be reported to law enforcement which may result in arrest, prosecution, and inclusion, on sex offender registries.

## **Respect for Privacy Rights**

1. Students shall not photograph, audiotape, or videotape other individuals at school or at school-sponsored events without their knowledge or consent, except for activities considered to be in the public arena such as active participants in sporting events or public performances.
2. Students shall not e-mail, post to the internet, or otherwise electronically transmit images of other individuals taken at school without their expressed written consent.
3. Use of cellular phones or other personal electronic devices is strictly prohibited in locker rooms and restrooms.

# CHAPTER 6

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## BULLYING AND HARASSMENT

The purpose of this policy is to create and maintain a positive learning environment, and to promote understanding and respect for all students. Troy School District will not tolerate bullying and harassment. Any student of the Troy School District who believes that he/she has been bullied or harassed shall immediately report his or her complaint to the building principal. The report will be promptly investigated.

Understanding bullying is complicated by the fact that a young person can be a bully, a victim or both a bully and a victim. Not all taunting, teasing and fighting among schoolchildren constitutes bullying. Bullying entails repeated acts by someone perceived as physically or psychologically more powerful. Bullying, like other forms of aggressive and violent behaviors, interferes with both a school's ability to educate its students and a student's ability to learn.

### Definition

Bullying means: any written, verbal, or physical act, including cyberbullying, that is intended or is likely to cause harm to another student by doing any of the following:

- Substantially interfering with another student's educational opportunities or benefits;
- Affecting another student's ability to participate or benefit from school by putting the student in fear of physical harm or by causing emotional distress;
- Having a detrimental effect on a student's physical or mental health;

- Causing a substantial disruption with the orderly operation of school.

Bullying includes cyberbullying, or bullying done through any electronic communication. Types of bullying may include but are not limited to:

- Verbal bullying, including derogatory comments and bad names.
  - Physical bullying such as hitting, kicking, shoving and spitting;
  - Having money or other things taken or damaged by students who bully;
  - Being threatened or being forced to do things by students who bully.
- Cyberbullying (via cell phone or internet).

## DEFINITION OF CYBERBULLYING

Cyberbullying is any type of harassment or bullying (i.e., teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors, or making threatening or aggressive comments) that occurs through e-mail, a chat room, instant messaging, any website (including blogs), text messaging, videos, or pictures posted on websites or sent through cell phones.

Cyberbullying differs from traditional bullying.

- It can be accessible by many people (depending on the forum) and can occur at any time both at school and at home.
- Messages/images can be distributed to a wide audience very quickly.
- Cyberbullying is often anonymous, making it difficult to identify the perpetrator and therefore may encourage youth to engage in behavior that they wouldn't do face-to-face.
- Youth may be nervous to report cyberbullying because they fear adults will limit their access to technology.

- Bystanders and witnesses to cyberbullying are anonymous, viewing the harmful material on a website but not dealing with it face-to-face.

## TYPES OF CYBERBULLYING

Types of cyberbullying may include but are not limited to:

- **Flaming:** Online fights using electronic messages with inappropriate and/or vulgar language
- **Harassment:** Repeatedly sending offensive, rude and insulting messages
- **Cyber stalking:** Repeatedly sending messages that include threats of harm or are highly intimidating. Engaging in other online activities that make a person afraid for his or her own safety
- **Denigration:** Putting someone down online; sending or posting cruel gossip or rumors about a person to damage his or her reputation or friendships
- **Impersonation:** Pretending to be someone else and sending or posting material online that makes that person look bad, gets that person in trouble or danger, or damages that person's reputation or friendships
- **Outing and Trickery:** Sharing someone's secret or embarrassing information online; tricking someone into revealing secrets or embarrassing information which is then shared online
- **Exclusion:** Willfully excluding someone from an online group, like a 'buddy list'

## DEFINITION OF HARASSMENT

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate

in or benefit from the services, activities or opportunities offered by a school.

Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment includes unwelcome sexual flirtations, advances or propositions, improper sexual comments, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, touching of a sexual nature, sexually degrading words used to describe an individual, calling students sexually charged names , a display of sexually suggestive objects or pictures, sexually explicit or offensive jokes, physical assault, or otherwise creating an intimidating, hostile or offensive educational learning environment.

# CHAPTER 7

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## PHYSICAL RESTRAINT & SECLUSION

The use of physical force in any form, including but not limited to corporal punishment, is prohibited.

Seclusion and/or restraint shall only be used in an emergency situation, and, then, only in accordance with the Michigan Revised School Code (MCL 380.1307) and the Board of Education in its policies. The use of seclusion and restraint in the Troy School District shall accomplish the following objectives:

- Promote the care, safety, welfare, and security of the school community and the dignity of each pupil.
- Encourage the use of proactive, effective, evidence- and research-based strategies and best practices to reduce the occurrence of challenging behaviors, eliminate the use of seclusion and restraint, and increase meaningful instructional time for all pupils.
- Ensure that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation, and reporting by trained personnel.

Physical restraint does not include:

- Actions necessary to break up a fight;
- Actions necessary to take a weapon away from a student;
- Actions necessary to stop a physical assault;
- Brief holding by an adult to calm or comfort;
- The minimum contact necessary to physically escort a student from one area to another;

- Holding a student for a brief time in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

"Corporal punishment" is defined as "the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline." MCL 380.1312(1).

# CHAPTER 8

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## CONFISCATED MATERIALS

Any materials, supplies, or other objects deemed to be inappropriate at school or in the classroom may be confiscated by school personnel.

The return of confiscated items will be subject to the judgment of individual building administrators and in conjunction with law enforcement when necessary.

# CHAPTER 9

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## ANTI-DISCRIMINATION/ SEXUAL HARASSMENT POLICY

The Troy School District will not tolerate unlawful discrimination, harassment, or bullying. Any student of the Troy School District who believes that he/she has been discriminated against, denied a benefit, or excluded from participation in any district educational program or activity on the basis of sex (including sexual harassment, as discussed below), race, color, religion, national origin, age, height, weight, marital status, ancestry, gender, sexual orientation, gender identity or expression, or mental, physical or sensory disability or physical characteristic should immediately report his or her complaint to the building principal or the assistant/deputy superintendent. The complaint will be promptly investigated.

Sexual harassment of students by other students or by employees of the district is unlawful and strictly prohibited. It is the policy of this school district that all contact between students, teachers or other adult employees of this district reflect respect for the individual student and be conducive to creating a stable and positive learning environment.

Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment includes unwelcome sexual flirtations, advances or propositions, improper sexual comments, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, touching of a sexual nature, sexually degrading words used to describe an individual, calling students sexually charged names, a display of sexually suggestive objects or pictures, sexually explicit or

offensive jokes, physical assault, or otherwise creating an intimidating, hostile or offensive educational learning environment.

If a student has concerns about the nature of any conduct or physical contact by an adult employed by this district, by a fellow student, or by a member of the public, the student should immediately report this concern to a building administrator, as well as to the student's parent or guardian.

Students are encouraged to report any conduct or contact that makes them feel uncomfortable, is bothersome, or is contrary to a stable, positive learning environment.

The district shall investigate all such reports immediately. Retaliation by a student or employee against a student for filing a complaint of sexual harassment is strictly prohibited. Anyone found to have engaged in sexual harassment or retaliation in violation of this policy will be subject to appropriate disciplinary action. For students, such discipline could range from verbal or written warnings to suspension or expulsion.

All such reports shall be handled confidentially to avoid embarrassment and to protect the student making the report. Complaints constituting child abuse shall be reported to the Department of Social Services as required by law.

# CHAPTER 10

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## VIOLATIONS OF THE CODE OF STUDENT CONDUCT

School rules come from many sources, including state and federal laws, Board of Education policies, and administration guidelines. The aim of this chapter is to provide school personnel, parents, students and other members of the community with a clear understanding of the rules and the resulting disciplinary actions for violations of those rules.

This chapter lists, categorizes and defines certain violations that disrupt the school environment and/or the instructional process, and specifies disciplinary actions which are to be taken by the principal. A major consideration of the Code of Student Conduct is to identify appropriate disciplinary actions to **bring about positive student behavior. The severity and frequency of the misbehavior is considered in defining appropriate disciplinary action.**

The principal shall in all cases conduct an investigation deemed reasonable under the circumstances to confirm that the charged offense has, in fact, been committed. The Code of Student Conduct shall not be interpreted or applied in a manner that would violate a student's constitutional rights.

The administration reserves the right to establish fair and reasonable rules and regulations for circumstances that may not be specifically covered in this handbook. **The lists of violations on the following pages are not all-inclusive, but only representative and illustrative. A student committing an improper act of misconduct which does not happen to be specifically listed is subject to disciplinary action. In all cases, rules and regulations, and possible consequences shall be as consistent as possible with previously established rules, regulations, and consequences for similar incidents. Matters omitted from this handbook should not be interpreted as a limitation on the scope of the**

District's authority and the District's responsibility to maintain order and provide a safe learning environment for all students. **It should be noted that violations are cumulative and consequences for cumulative violations may be more severe. Violations are not disciplined independently.** For example, for a Level I violation, if a student was disciplined for cutting class one week and then was disciplined the next week for loitering, the loitering may be considered as a second administrative contact.

These rules and policies apply to any student who is on school property, who is in attendance at school or at any school-sponsored activity whether on or off campus, or whose conduct at any time or place directly interferes with the operations, discipline, or general welfare of the school, students and staff.

### **RESTORATIVE DISCIPLINE PRACTICES**

A major consideration of the Code of Conduct is to identify appropriate disciplinary actions that will bring about positive student behavior. Restorative Discipline focuses on the harms, needs and causes of student behavior, not just the breaking of rules and dispensing of punishment. Restorative discipline attempts to provide students with an opportunity to be accountable for the harm caused as well as the opportunity to repair the harm. Students are empowered to help resolve conflict and maintain an environment where the work of the school can happen. The goal of restorative discipline is to provide students an opportunity to learn to think differently about harm, to deal with conflict in peaceful and creative ways, to address accountability and responsibility, to focus on one another's humanity and to problem-solve in terms of community and collaboration.

Student violators of the Code of Conduct may have the opportunity to engage in restorative practices as a consequence of their inappropriate behavior, as facilitated by school officials. It is important that any student engaging in restorative practices freely admit to any wrongdoing and express contrition for their actions to the offended parties. Restorative practices developed in response to a Code of Conduct

violation may include but are not limited to the following productive activities:

- Restitution
- Alternative suspension including In-School Suspension/Detention
- Apology for offense (both written and verbal)
- Participation in diversion programs
- Community service activities
- Outreach and awareness activities
- Course of study, book study, or other applied learning experience
- Behavior plan or behavior contract
- Participation in counseling in and out of school
- Engage in in agency and community supports,
- Student-to-student mediation

Restorative practices could also serve to supplement a lower-term suspension versus simply in lieu of a suspension. All restorative practice plans should include a timeline with term of completion specified.

## **STUDENTS WHO HAVE COMMITTED MISCONDUCT IN OTHER SCHOOLS**

An otherwise eligible resident who is alleged by school authorities to have engaged in misconduct in another school district which would have resulted in the student's suspension or expulsion if the student had attended Troy School District may be subject to suspension or expulsion from Troy School District pursuant to the Code of Student Conduct.

In most situations, a school district administrator will be involved in enforcing the Code of Student Conduct. However, a teacher may suspend a student from his/her teacher's class, subject, or activity for up to one day in accordance with state law if: 1) the student engages in behavior so unruly, disruptive, or abusive that it significantly interferes with the teacher's ability to effectively teach the class, subject, or activity, or 2) the student's behavior significantly interferes with the ability of other students to learn. Such teacher-imposed suspensions are also

referred to as SNAP suspensions. For other student misconduct, the teacher will handle the matter in accordance with the standard disciplinary process used in the school building.

## DISCIPLINING STUDENTS WITH SPECIAL NEEDS

### **Suspension and Expulsion of Students Receiving or Otherwise Eligible for Special Education or Section 504 Services**

A student previously identified under state and federal regulations as eligible for special education or under Section 504 of the Rehabilitation Act is entitled to consideration of his/her disability in student disciplinary procedures. School personnel and/or parents who have questions regarding any issues are advised to consult with the district Director of Special Education or Section 504 Coordinator.

See the glossary at the end of this handbook for definitions of various terms used herein.

## **SUSPENSION AND EXPULSION DEFINITIONS**

The State of Michigan School Code (MCL 380.1310) specifically defines the terms “expel” and “suspend” to mean the following:

“**Expel**” means to exclude a pupil from school for disciplinary reasons for a period of 60 or more school days.

“**Suspend**” means to exclude a pupil from school for disciplinary reasons for a period of fewer than 60 school days.

These definitions shall apply to references to suspend and expel throughout the Code of Conduct document.

## LEVEL I VIOLATIONS

A Level I violation is considered to be any behavior which disrupts or interferes with the effective and safe functioning of the school but is not as serious as a Level II or Level III violation.

**Level I violations include, but are not limited to, the following:**

### *Class Skipping/Cutting and Tardies*

Unexcused absence from a class for all or part of a class period.

### *Disruptive Behavior*

Inappropriate language, mild profanity, gestures or actions which produce distractions, frictions, or disturbances that interfere with the effective functioning or safety of the staff, students, or the school.

### *Inappropriate Displays of Affection*

Engaging in acts or demonstration of inappropriate affection toward or with another person in public, including physical acts as well as signs and gestures.

### *Inappropriate Dress*

As we prepare our students for the world of work and promote learning in the school environment, students are expected to dress in compliance with the following guidelines.

- No bare midriffs are permitted. Shirts and tops must meet the waist line of jeans, pants, skirts or shorts (the “bottom of the top” should remain in contact with the “top of the bottom”).
- No backless or strapless tops are allowed.
- No see-through or otherwise revealing clothing is allowed.
- Shoes must be worn at all times.
- Jeans, pants, skirts or shorts must provide adequate coverage and be of reasonable length.
- Tops and bottoms must conceal all undergarments.
- Non-prescription sunglasses should not be worn in the school environment.

- Chains, handcuffs, and other metal paraphernalia on clothing are prohibited.
- Hats, bandanas, hoods and other head coverings are not to be worn in school.
- Clothing must not display inappropriate slogans and/or graphics including those related to or depicting behavior prohibited in the Code of Conduct.

### ***Leaving School without Authorization***

The Troy School District operates a closed campus, i.e., one in which all students must remain on the school site during the school day, unless authorized permission to leave is granted from the attendance office or principal.

### ***Misuse of Technology***

Classroom technology use, personal or District, shall be governed by teachers and administrators. See Chapter 5 for additional misuse information.

### ***Inappropriate Use of Cell Phone***

No student shall use or display smart phones, cellular phones, or other devices with inbound/outbound communication capabilities on school property during normal school hours, unless authorized by a teacher or administrator.

### ***Tardiness***

Tardiness occurs when students are not in their classroom and/or seats when the class is scheduled to begin.

### ***Truancy***

Truancy is defined as absence from school without authorization; failure to follow proper attendance check-in and check-out procedures. Regular attendance at school and prompt arrival to all classes and scheduled activities is the responsibility of both the students and parents. (MCL 380.1561).

## **DISCIPLINE PROCEDURE - LEVEL I VIOLATIONS**

**First and subsequent violations: administrative contacts** (one or more of the following):

1. Parent notification
2. Reprimand
3. Detention
4. Behavioral contract/disciplinary probation
5. Suspension (not to exceed three days)
6. Suspension from activities during or after the school day
7. Referral to an outside agency, if appropriate
8. For technology infractions – loss of password and technology privileges, as determined by administration.
9. Restorative practices where applicable

**Persistent disobedience with respect to Level I violations may result in a recommendation for suspension, pending a hearing for removal from school for the remainder of the semester or school year.**

## **LEVEL II VIOLATIONS**

A Level II violation is any behavior which seriously disrupts or interferes with the effective functioning or learning environment of the school but is not as serious as a Level III violation.

**Level II violations include, but are not limited to, the following:**

### ***Academic Misconduct***

Plagiarizing, cheating, including copying or supplying class work, homework, tests, etc. for personal benefit, or gaining unauthorized access to material through such behavior as going into a teacher's file, paper or electronic, or looking through a teacher's desk.

### ***Assault or Battery/Intimidation/Incitement***

A threat or attempt to do harm to another without a weapon, with or without physical contact and without injury, or the act of promoting or

encouraging acts of violence. Students are expected to treat each other in a respectful manner. Engaging in any type of verbal abuse will not be tolerated. A student shall not make annoying nuisance, vulgar and/or obscene communications, verbally, in writing, or by gestures to other students.

### ***Bullying/Cyberbullying***

See Chapter 6 for detailed information.

### ***Disruption of the Educational Process***

This includes behavior which seriously disrupts any school activity or the orderly and safe operation of the school while the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within the rule, however, any conduct which causes disruption, or interferes with the education process is forbidden, (i.e., running, jumping, horseplay including shouting, yelling, screaming, of engaging another student physically with or without intent to harm.

### ***Fighting***

Aggressive physical contact between two or more individuals.

### ***Flammable Materials – Use or Possession***

The use or possession of devices made from explosive or flammable materials (fireworks include Class B and Class C fireworks as identified by state law).

### ***Forgery/Giving False Information or Lying***

Lying and/or intentional misrepresentation of information given to school district personnel.

### ***Gambling***

Participation in or organization of games of chance for money, other things of value and/or inappropriate conduct.

### ***Harassment***

Verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. Harassment based on race, color, national origin, sex or disability also violates the civil rights of victims.

### ***Inappropriate Use of Technology Resources***

Students using school technology resources as defined in this guide for illegal, inappropriate, or obscene purposes; sharing or unauthorized use of passwords, accessing, controlling or disabling, vandalizing or misappropriating devices or services of the district or any third party or otherwise in violation of the Student Acceptable Use Policy. See Chapter 5 for additional information.

### ***Insubordination***

Verbal or non-verbal refusal to comply with a reasonable request or directive. This includes failing to complete an assigned disciplinary action.

### ***Loitering***

The act of being in an unauthorized place, lingering in or about school property, or refusing to leave when directed to do so by school personnel. A student remaining or lingering on school property without staff supervision for more than 30 minutes after final dismissal without a legitimate purpose or prior permission from Administration is considered to be loitering. Violations may result in trespassing charges and or school discipline.

### ***Sexting***

The act of electronically sending to another person or receiving sexually explicit text messages, photographs, graphic images and/or videos. "Sexting" is not only an inappropriate and forbidden behavior; it also violates many state and local laws.

Students and their parents need to be aware of the possible criminal consequences and penalties for possessing, producing, and

disseminating pornographic and/or sexually explicit material. Violations may carry felony charges and label the youth as a sex offender. Parents and students should understand that once a picture of a video is on the internet, it may be copied hundreds if not thousands of times.

All students who engage in sexting will be referred to police and/or other appropriate agencies.

### ***Smoking, Possession or Use of Tobacco Products, E-Cigarettes, Electronic Vapor Inhalation Devices and Oils, and/or Possession of Drug Paraphernalia***

Possession, holding, smoking, sale or transfer of any tobacco products or any other use or possession of tobacco products (i.e., cigars, pipes, cigarettes, snuff or chewing tobacco) or e-cigarettes is prohibited.

E-cigarettes and vapor inhalation devices shall include any and all recreational inhalation devices including but not limited to the brands *V2, Juul, E-Kit, Halo, Aspire, and Mig*. Mostly all electronic vapor inhalation devices include a batter, atomizer, and e-liquid (juice or oil). Individual parts of electronic devices including only the e-liquid shall not be possessed and are also prohibited.

Possession of drug paraphernalia, e.g., bongs, pipes, etc., is prohibited.

### ***Stealing, Possession or Transfer of Property of Others (Value Under \$100)***

The act of taking possession or transferring property of another, i.e., a student, adult, or the school without the consent of the owner (or copyright holder), when the property is worth less than \$100.

### ***Trespassing***

The act of being in or about a school building without having a legitimate reason or authorized permission (this includes suspended students).

***Vandalism (Value Under \$100)***

The deliberate or negligent destruction, defacing or damaging of school property or the property of others.

***Vulgarity/Indecency***

Written or spoken language, sign language, gestures, apparel, or actions, etc., that are offensive, obscene or vulgar.

**DISCIPLINE PROCEDURE - LEVEL II VIOLATIONS**

**First offense: administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Maximum five-day suspension
4. Behavioral contract/disciplinary probation
5. Police notification or referral to a professional agency
6. Restitution/restoration
7. Technology – loss of password/technology privileges for a semester
8. Restorative practices where applicable

**Second administrative contact** (one or more of the following):

1. Parent notification
2. Reprimand
3. Maximum seven-day suspension
4. Behavioral contract/disciplinary probation
5. Police notification or referral to a professional agency as appropriate
6. Restitution/restoration as applicable
7. Technology – loss of password/technology privileges for the school year
8. Restorative practices where applicable

**Subsequent administrative contacts** (one or more of the following):

1. Parent notification

2. Reprimand
3. Suspension pending a hearing
4. Ten-day suspension or the removal from school for remainder of school year
5. Police notification or referral to a professional agency as appropriate
6. Recommendation for expulsion
7. Restitution/restoration as applicable
8. Technology – permanent loss of technology privileges
9. Restorative practices where applicable

**Persistent disobedience with respect to Level II violations will result in a recommendation for suspension, pending a hearing for removal from school for the remainder of the semester or school year.**

### LEVEL III VIOLATIONS

A Level III violation is considered to be any behavior of an aggravated nature, including a Level I or Level II violation of a more serious nature, which seriously disrupts or interferes with the effective and safe functioning of the school.

**Level III violations include, but are not limited to, the following:**

#### ***Aggravated Assault and Battery***

Striking or unlawful touching of a victim: 1) without a weapon and infliction of an injury; 2) with a weapon or other object used as a weapon; or 3) attempt to use a weapon.

#### ***Arson***

Any act utilizing unauthorized fire, smoke or explosives which presents a risk of danger to life or property.

#### ***Breaking and Entering***

Breaking into and/or entering any school building, facility, office, room, storage space or other enclosure without authority to do so.

### ***Bullying/Cyberbullying (Refer to Chapter 6)***

Bullying means: any written, verbal, or physical act, including cyberbullying, that is intended or is likely to cause harm to another student by doing any of the following:

- Substantially interfering with another student's educational opportunities or benefits;
- Affecting another student's ability to participate or benefit from school by putting the student in fear of physical harm or by causing emotional distress;
- Having a detrimental effect on a student's physical or mental health; causing a substantial disruption with the orderly operation of school.

Cyberbullying is any type of bullying (i.e., teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors or making threatening or aggressive comments) that occurs through e-mail, a chat room, instant messaging, any website (including blogs), text messaging, videos, or pictures posted on websites or sent through cell phones.

Cyberbullying that occurs during school hours or on school property is subject to disciplinary action by the Troy School District (see Chapter 6). Furthermore, cyberbullying initiated outside of school hours or off school property that causes a material disruption to academic and extracurricular learning environments may result in disciplinary action and referral to local police authorities.

### ***False Alarm, Bomb Threat, or Tampering with any Fire Safety Device (this includes "911" calls)***

The deliberate or intentional act of setting off a false alarm, calling in or writing a bomb threat or tampering with any fire safety device.

### ***Felonious Assault***

Striking with a weapon with the intent to inflict bodily harm or the attempt to do so.

### ***Fighting***

Aggressive physical contact between two or more individuals.

### ***Harassment***

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating.

### ***Inappropriate Use of Technology Resources***

Using technology resources as defined in this guide for aggravated illegal, inappropriate, or obscene purposes or otherwise in violation of the Student Acceptable Use Policy.

### ***Possession or Concealment of Weapon or Dangerous Instrument***

The possession or concealment of any kind of weapon or dangerous instrument, device, materials, knife, gun, metal knuckles, tools, mace, pepper gas, etc., or any other item deemed to be a weapon. This also includes look-alike weapons.

### ***Robbery or Extortion***

The act of attempting to obtain money, goods, services or information from another by force of the threat of force or by coercion.

### ***Stealing, Possession, or Transfer of Property of Others (Value \$100 or More)***

The act of taking possession or transferring property of another without the consent of the owner (or copyright holder), when the property is worth \$100 or more.

### ***Use, Possession, Selling, Distribution, or Under the Influence of Drugs or Alcohol\*\****

The possession on one's person or among one's belongings, or the direct or indirect selling, distribution or use of illegal substances, including, but

not limited to, alcohol, and marijuana, and controlled substances as defined by law, or imitation (counterfeit) controlled substances which have not been specifically prescribed for the student by a physician.

### ***Vandalism (Value Over \$100)***

The deliberate or negligent destruction, defacing or damaging of property, of another, i.e., student, adult, or the school.

## **DISCIPLINE PROCEDURE - LEVEL III VIOLATIONS**

### **First and subsequent administrative contact:**

1. Parent notification
2. Suspension pending a hearing
3. Behavioral contract/disciplinary contract (optional)
4. Report or complaint filed with the appropriate policy agency as appropriate
5. Restitution/restoration (if applicable)
6. Recommendation for removal from school for a minimum of ten days, the remainder of the school year (if appropriate), or recommendation for expulsion (if appropriate)
7. Technology – permanent loss of privileges.
8. Restorative practices where applicable

\*\* In situations involving illegal substance possession or use, administrators have latitude to reduce the term of the suspension for a student's first offense by requiring the student's completion of an illegal substance prevention educational program and/or a community sponsored criminal diversion program. In such cases, administrators will work collaboratively with students and parents to outline the supplemental educational and participation requirements and the timeline for completion.

## **STATUTORY VIOLATIONS**

The Revised School Code provides for a student's suspension or expulsion for the following offenses; however, for all offenses except

possession of a firearm on school property, in a school vehicle, or at a school-related activity, the decision maker must first consider 7 factors to determine if suspension or expulsion is appropriate.

## **OFFENSES**

### **1. Arson (MCL 380.1311(2))**

If a student commits arson in a school building or on school grounds, then the student shall be permanently expelled, subject to possible reinstatement in accordance with the Revised School Code, MCL 380.1311(6).

Before suspending or expelling a student for arson, the 7 restorative justice factors discussed below must be considered.

### **2. Criminal Sexual Conduct (MCL 380.1311(2))**

If a student commits criminal sexual conduct in a school building or on school grounds in violation of MCL 380.1311(2), then the student shall be permanently expelled, subject to possible reinstatement in accordance with the Revised School Code, MCL 380.1311(6).

Before suspending or expelling a student for criminal sexual conduct, the 7 restorative justice factors discussed below must be considered.

### **3. Possession of a Dangerous Weapon Other than a Firearm (MCL 380.1311(2))**

If a student possesses a dangerous weapon, other than a firearm, in a weapon free school zone, the student shall be permanently expelled, subject to possible reinstatement in accordance with the Revised School Code, MCL 380.1311(6).

Before suspending or expelling a student for possessing a dangerous weapon other than a firearm, the 7 restorative justice factors discussed below must be considered.

In addition to consideration of the 7 restorative justice factors, expulsion is not mandatory if the student establishes in a clear and convincing manner at least 1 of the following:

- (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- (b) The weapon was not knowingly possessed by the pupil.
- (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
- (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

There is a rebuttable presumption that expulsion for possession of a dangerous weapon is not justified if a student establishes 1 of the factors listed in (a) through (d) above and the student has no history of suspension or expulsion.

A “dangerous weapon” includes a dagger, dirk stiletto, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, iron bar or brass knuckles. MCL 380.1313(4).

A “weapon free school zone” means school property and vehicles used by a school to transport students to or from school property. MCL 750.237a(6)(e).

#### 4. Possession of a Firearm (MCL 380.1311(2))

If a student possesses a dangerous weapon, other than a firearm, in a weapon free school zone, the student shall be permanently expelled, subject to possible reinstatement in accordance with the Revised School Code, MCL 380.1311(6).

The 7 restorative justice factors discussed below should *not* be considered before suspending or expelling a student for possessing a firearm. However, expulsion is not mandatory if the student establishes in a clear and convincing manner at least 1 of the following:

- (a) The object or instrument possessed by the pupil was not possessed by the pupil for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
- (b) The weapon was not knowingly possessed by the pupil.
- (c) The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
- (d) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

There is a rebuttable presumption that expulsion for possession of a firearm is not justified if a student establishes 1 of the factors listed in (a) through (d) above and the student has no history of suspension or expulsion.

“Firearm” means “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.” See MCL 380.1311(12)(d), citing 18 USC 921.

A “weapon free school zone” means school property and vehicles used by a school to transport students to or from school property. MCL 750.237a(6)(e).

**5. Physical Assault Against a School Employee, Volunteer, or Contractor (MCL 380.1311a(1))**

If a student enrolled in grade 6 or above commits a physical assault against a school employee, volunteer, or contractor on school property, in a school vehicle, or at a school-related activity and the physical assault is reported to the school board, superintendent or building principal, then the student shall be suspended or expelled for up to 180 days.

Before suspending or expelling a student for physical assault against another student, the 7 restorative justice factors discussed below must be considered.

Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence. MCL 380.1311a(12)(b).

**6. Physical Assault Against Another Student (MCL 380.1310)**

If a student enrolled in grade 6 or above commits a physical assault against another student on school property, in a school vehicle, or at a school-related activity and the physical assault is reported to the school board, superintendent or building principal, then the student shall be suspended or expelled for up to 180 days.

Before suspending or expelling a student for physical assault against another student, the 7 restorative justice factors discussed below must be considered.

Physical assault means intentionally causing or attempting to cause physical harm to another through force or violence.

## 7. Bomb Threats or other Similar Threats

If a student in grade 6 or above makes a bomb threat or similar threat directed at a school building, other school property, or a school-related event, then the student shall be suspended or expelled for a period of time as determined in the discretion of the school board or its designee.

Before suspending or expelling a student for making a bomb or similar threat at a school building, school property, or a school-related event, the 7 restorative justice factors discussed below must be considered.

### RESTORATIVE JUSTICE FACTORS

Pursuant to MCL 380.1310d(1), before suspending or expelling a student for offenses 1, 2, 3, 4, 6, or 7 above, the school board, superintendent, principal, or other decisionmaker will consider the following factors:

1. The student's age;
2. The student's disciplinary history;
3. Whether the student has a disability;
4. The seriousness of the violation or behavior committed by the student;
5. Whether the violation or behavior committed by the student threatened the safety of any student or staff member;
6. Whether restorative practices will be used to address the violation or behavior committed by the student;
7. Whether a less intervention would properly address the violation or behavior committed by the student.

"Restorative practices" means practices that emphasize repairing the harm to the victim and the school community caused by the student's misconduct.

Students who are expelled shall be referred to the appropriate county department of social services or community mental health agency. The

parent, legal guardian and/or student shall also be notified of the referral.

Students who commit any of the above offenses shall be reported to appropriate state or local law enforcement officials, as required under state law.

Each student subject to expulsion shall have his/her situation reviewed by the superintendent on a case-by-case basis, in accordance with the requirements established by state law.

This policy is intended to place the district in compliance with applicable law, and the superintendent is hereby authorized to take whatever actions are necessary to ensure such compliance.

# CHAPTER 11

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## DISCIPLINARY PROCEDURES

Absent unusual circumstances, a student will not be suspended/removed unless the student is reasonably suspected of being involved in the disciplinary incident being investigated. Such a suspension or removal shall not constitute discipline, although the incident which caused the investigation to occur may ultimately result in discipline.

### DUE PROCESS RIGHTS

All students subject to disciplinary action, including suspension or expulsion, shall be afforded due process rights. Students will receive oral or written notice of the charges against them and the opportunity to respond to those charges.

A school administrator may temporarily suspend or remove a student from school for the purposes of investigating an incident prior to imposing any discipline, where such temporary suspension/removal is deemed necessary to prevent disruption to the educational program, avoid possible interference or problems in the investigation, defuse conflict situations, protect the health or safety of the student or other students, or any other compelling reason.

### SUSPENSION

#### **Length of Suspension**

Suspension begins with notification by the building administrator and continues until midnight of the last suspension day. During a

suspension, a student may not participate in or attend school-sponsored activities, either on or off campus, nor be on school district property.

## Homework During Suspension

A minimum of one day is allowed for each day absent from class during a suspension to make-up missed assignments and prepare for tests. Any absence will affect the student's learning experience and may affect a student's academic performance.

## Suspension Process

If the student is considered for suspension, or placed on disciplinary probation for, for any period of time, the building administrator will:

1. Notify the student's parents of the proposed disciplinary action and the reasons for it before the student leaves the building, if possible;
2. Provide the student's parents (or student, if 18 or older) with notification of the charges and related evidence, the time and place of the conference, and the length of the recommended suspension; schedule a conference, if requested by the parents or student, to include the student, his/her parents and other persons as the building administrator deems appropriate for the purpose of trying to resolve the problem;
3. Within 24 hours of the conference, provide the student and parents with written notification of the disciplinary decision. If the decision is to suspend, include the length and terms of the suspension and the right to appeal the decision (if applicable), in the written notice.

When a suspension of more than 10 days is recommended, the building administrator will provide the student's parents with *written* notification of the charges and related evidence, the time and place of the conference, and the length of the recommended suspension. At the conference with the building administrator, the student will be allowed to give his/her

version of the facts and be informed of evidence offered against him/her. At the conference, the student will also have the right to present witnesses and to be represented by an attorney or other individual of his/her choice. These rights also apply at any subsequent hearings for appeal purposes.

If the student, the principal or the parents are unable to meet within any time period specified within this Chapter, the hearing may be scheduled at a mutually agreed upon time.

Within 24 hours of the conference, the building administrator shall inform the student and his/her parents of the decision and his/her right to appeal, if applicable.

### **APPEALS**

The parent of the involved student must initiate all disciplinary appeals, unless the student is 18 years old, in which case the student may initiate an appeal.

### **Appeal of Short-Term Suspensions (6 to 10 Days)**

A suspension of 6 to 10 days may be appealed by contacting the building administrator who made the decision to suspend within 24 hours after receiving notice of the decision to suspend.

If the initial decision to suspend was made by an administrator other than the building principal, then the appeal will be heard by the building principal, who will review the prior decision, meet with the student and parents if the principal determines it is necessary, and provide notice of his or her decision to the student's parents within 2 school days after receiving notice of the appeal. This will be the final decision on the matter.

If the initial decision to suspend was made by the building principal, then the appeal will be heard by:

- At the elementary level (grades K-5) – the Assistant Superintendent of Elementary Instruction.
- At the secondary level (grades 6-12) – the Assistant/Deputy Superintendent.

The applicable individual listed above will review the prior decision, meet with the student and parents if it is determined to be necessary, and provide notice of his or her decision to the student’s parents within 3 school days after receiving notice of the appeal. This will be the final decision on the matter.

### **Appeal of Long-Term Suspensions (More Than 10 Days)**

A suspension of more than 10 may be appealed by contacting the principal who made the decision to suspend within 24 hours after receiving notice of the decision to suspend.

#### **Step 1: Review by Principal (if applicable)**

If the decision to suspend was made by an administrator other than the building principal, then the appeal will be heard by the building principal, who will review the prior decision, meet with the student and parents if the principal determines it is necessary, and provide notice of his or her decision to the student’s parents within 2 school days after receiving notice of the appeal.

If the initial decision to suspend was made by the building principal, the appeal will proceed immediately to Step 2.

#### **Step 2: Review by Assistant Superintendent of Elementary Instruction or Assistant/Deputy Superintendent**

If the initial decision to suspend was made by the building principal, then the appeal will be heard by:

- At the elementary level (grades K-5) – the Assistant Superintendent of Elementary Instruction.
- At the secondary level (grades 6-12) – the Assistant/Deputy Superintendent.

The administrator listed above will meet with the parties involved within three school days and review the case. Within 24 hours of that meeting, the Assistant Superintendent of Elementary Instruction or Assistant/Deputy Superintendent will send written notification to the student and his/her parents of his/her decision to affirm, reverse, or modify the building principal's decision to suspend. The written notification will also explain the student's right to appeal the decision to Step 3.

### **Step 3:**

A student's parents may appeal the decision of the Assistant Superintendent of Elementary Instruction (for elementary-level students) or the Assistant/Deputy Superintendent (for secondary-level students) to the Superintendent. To do so, the parent must provide notice of the appeal within two school days to the Assistant Superintendent of Elementary Instruction (for elementary-level students) or the Assistant/Deputy Superintendent (for secondary-level students).

If the Superintendent determines it necessary, he or she will schedule a meeting with the student, parents, and any other persons necessary to make a final decision on the matter. The Superintendent will send written notification to the student and his/her parents of the decision to affirm, reverse, or modify the previous decision within three school days of the meeting (if applicable) or within three school days after receiving notice of the appeal from the student's parents. **The decision of the Superintendent is final.**

### **EXPULSION**

If a student is considered for expulsion, the building administrator will:

1. Notify the student's parents that the student is suspended pending possible expulsion before the student leaves the building, if possible;
2. Determine within three days of the incident at issue if expulsion is recommended and if so, forward the written recommendation to the superintendent;
3. Provide the student's parents (or student, if 18 or older) with written notification of –
  - a. The charges and related evidence;
  - b. The time and place of the expulsion hearing;
  - c. An explanation of the expulsion hearing process; and
4. If requested to do so by the student or student's parents, hold a conference with the student, student's parents, and other persons as the building administrator deems appropriate, to discuss the charges, related evidence, proposed expulsion, hearing procedure, or related matters.

Within five school days of receiving the building administrator's recommendation, the Superintendent or his or her designee will conduct a hearing with the involved parties to review the matter. If the student, the superintendent, or the parents are unable to meet within the time period, the hearing may be scheduled at a mutually agreed upon time. A mutually agreed upon time may be substituted for any hearing or appeal timeline.

Within three school days of the hearing, the superintendent or designee will send written notification to the student and his/her parents of the decision to affirm, reverse or modify the recommendation of the building administrator.

### APPEALS

Parents of a minor student, or a student 18 years or older, may appeal the superintendent's decision to expel to the Troy Board of Education by providing written notice of the appeal within two school days after receiving the written notice of expulsion. A hearing will be held before the Troy Board of Education at the next regularly scheduled board meeting. The Troy Board of Education will inform the student and

his/her parents of its decision in writing within 3 school days after completion of the hearing.

If the Troy Board of Education expels a student, the student shall be referred to the school counselor for referral to an appropriate agency for further guidance and counseling or assistance in obtaining employment or continuing education.

As outlined in Sections 1311 and 1311a of the Revised School Code, students expelled pursuant to those sections of the Revised School Code may petition for reinstatement in accordance with those statutory provisions.

## **Hearing Procedures**

At hearings before the Superintendent and the Troy Board of Education, the student will be permitted to give his/her version of the facts and be informed of evidence offered against him/her. At the hearing, the student will also have the right to present witnesses and to be represented by an attorney or other individual of his/her choice. Cross-examination will be permitted as due process considerations may require.

# CHAPTER 12

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## GRIEVANCE PROCEDURE

### GRIEVANCE PROCEDURE

A grievance is a charge by a student that there has been a violation, misinterpretation or inequitable application of an established school policy or regulation, or if the student feels he/she has been treated unfairly or been denied due process in a non-disciplinary matter. The procedure dealing with appeals of disciplinary issues is outlined on page 54.

### **Informal Grievance Procedure**

The student is encouraged to discuss the concern informally with the staff member involved before a Student Appeal/Grievance Form is filed. The ombudsman (high school only) can be of help in attempting to solve the grievance informally and will, if the student desires, accompany him/her to a conference with the staff member. It is the student's responsibility to initiate contact with the ombudsman.

It is hoped that the great majority of grievances will be resolved in this manner. If this informal approach is not successful or not applicable to the situation, the student may initiate the following formal grievance procedure.

### **Formal Grievance Procedure**

The student must obtain a standard Student Grievance Form from school administration, fill out all the information requested in the form and submit it to the principal within two school days of the incident.

Within three school days of the date of the filing, the principal shall call a meeting of the student and the staff member in order to resolve the matter as quickly as possible. The student may be accompanied by his/her parents and/or the ombudsman at this meeting. The principal shall communicate his/her decision in writing to the student, his/her parents and the staff member on the Student Grievance Form within three school days of the meeting.

The student may appeal an adverse decision of a formal grievance to the assistant superintendent of elementary instruction (in elementary school cases) or to the assistant superintendent of secondary instruction (in middle and high school cases) by filling out the Student Grievance Form and returning it to the principal within two school days of the principal's response. The principal will advise the appropriate assistant superintendent that a request for an appeal has been received.

The assistant superintendent of elementary instruction or assistant/deputy superintendent of secondary instruction shall meet with the student, staff member, and principal within five school days of the request in order to resolve the matter. The student may be accompanied by his/her parents and/or the ombudsman at this meeting.

The assistant superintendent of elementary instruction or assistant/deputy superintendent of secondary instruction shall communicate his/her decision to all participants on the Student Grievance Form within three school days of the meeting.

The student may appeal a decision by the assistant superintendent of elementary instruction to the assistant/deputy superintendent of secondary instruction by filling out the Student Grievance Form and returning it to the principal within three school days of the decision by the assistant superintendent of elementary instruction. The principal will advise the assistant/deputy superintendent of secondary instruction that a request for an appeal has been received.

The assistant/deputy superintendent of secondary instruction shall meet with the student, staff member, principal and the assistant superintendent of elementary instruction within five school days of the

request in an attempt to resolve the matter. The student may be accompanied by his/her parents and/or the ombudsman at this meeting. The assistant superintendent of secondary shall communicate his/her decision to all parties involved.

**The decision of the assistant/deputy superintendent of secondary instruction shall be final and binding upon all parties.**

### **Additional Comments Regarding the Appeal/Grievance Procedures**

Students may be removed from school in accordance with normal school procedures during an appeal when, in the opinion of the principal, the student's presence in the school is considered dangerous or disruptive.

If the principal, assistant superintendent of elementary instruction or assistant/deputy superintendent of secondary instruction is unavailable, his or her designated representatives may act in their behalf during the grievance procedure.

All records, reports and actions taken will be treated confidentially to protect the rights of all parties. No record of an appeal and/or grievance will be kept in the student's CA-60.

Failure of any administrator to hold a meeting or to render a decision shall allow automatic appeal to the next level.

At any point in the appeal and/or grievance procedure, time limits may be extended by a mutual agreement.

# GLOSSARY

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**Behavioral Contract** A written agreement with a student, the student's parents and the principal which specifically states the conditions that must be met in order to correct a behavioral problem.

**Closed Campus** One in which all students remain on the school site during the school day, unless authorized permission to leave is granted.

**Denial of Driving Privileges** The denial of permission to drive to school for a specified time.

**Detention** The placement of a student in a supervised area.

**Disciplinary Probation** A period of time in which a student is put on probation due to past behavioral problems. Disciplinary probation is an acceptable disciplinary procedure whereby a student may not participate in extracurricular activities, may not perform before any audience or represent the school district in any capacity.

**Expulsion** The temporary permanent exclusion of a student from school greater than 60 days (MCL 380.1310).

**In-School Suspension** The assignment of a student to a program designed to meet the student's particular needs. This assignment may be located at the student's home school or at another site.

**Ombudsman** An individual who assists students in asserting their rights as set forth in this handbook, not including disciplinary matters.

**Parent Notification** Contact with a parent by phone, letter or meeting.

**Referral to Social Service Agencies** A recommendation that the student seek help from a public or private social service agency.

**Referral to Courts** The filing of a charge of an alleged illegal action with the appropriate judicial body.

**Removal from Class** The removal of a student from class when his/her conduct is seriously disruptive and informal resolution is impractical.

**Reprimand** A written notification of censure for unacceptable behavior, which may also involve the removal or restriction of school privileges.

**Restitution/Restoration** The payment for or the restoring of property or articles which have been damaged, lost or stolen.

**SNAP Suspension** A disciplinary suspension issued to a student by a teacher in accordance with state law.

**Statutory Offense** A student infraction which constitutes a violation of a state law (statute).

**Suspension** A designated time less than 60 days (MCL 380.1310) when a student is not permitted to attend classes, to remain on school grounds or to participate in or attend any extracurricular activities.

**Tardiness** The act of a student not being in his/her classroom or seat when class is scheduled to begin as defined by the classroom teacher.

**Work Assignment** An assigned task which must be completed by the student and may be substituted for detention on an equal time basis.

**Working Day** A day on which the Troy School District's Administrative Offices are open to serve the public. A working day includes days when schools are not in session, such as spring break and summer vacation.

## Policy of Non-Discrimination

Students, Parents and Citizens of the Troy School District:

Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance except as may be permitted by law.

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

It is the policy of the Troy School District not to discriminate on the basis of sex or handicap in admission or access to treatment or employment in its programs and activities. The Troy School District periodically reviews its educational and employment programs and activities to assure compliance with Title IX and Section 504.

The Troy School District has established a grievance procedure to provide for the prompt and equitable resolution of complaints by students, employees or members of the community alleging discrimination on the basis of sex or handicap. The grievance procedure is available through any school office or by contacting the Coordinator for Title IX and Section 504 matters listed below. In addition, a school district employee who is part of a bargaining unit may process a complaint through the grievance procedure established in the collective bargaining agreement.

In accordance with federal regulations, the Troy School District has appointed Mr. Jordan Harris, Assistant Superintendent for Employee Services as the Title IX Coordinator and Ms. Jessica Carrier, Director of Special Education, as the Section 504 Coordinator. Any questions, suggestions or complaints should be directed to:

Mr. Jordan Harris  
Assistant Superintendent for Employee Services  
Title IX Coordinator

Ms. Jessica Carrier  
Director of Special Education  
Section 504 Coordinator

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